

RESOLUTION NO. 21-1608

A RESOLUTION OF THE BOARD OF DIRECTORS OF ROSS VALLEY SANITARY DISTRICT AMENDING THE FRAMEWORK AND GUIDELINES OF THE LATERAL REPLACEMENT GRANT PROGRAM

WHEREAS, the Ross Valley Sanitary District (“District”) is authorized by the Sanitary District Act of 1923 (Health & Safety Code §6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, maintenance and operation of wastewater collection facilities within the District’s service area; and

WHEREAS, the District finds and determines that deficient private lateral conditions are a significant cause of debris entering the public sewer mains and causing elevated risk of sanitary sewer overflows from the public sewer system; and

WHEREAS, the District finds and determines that Infiltration and Inflow (I&I) adds substantial cost to system operation and maintenance in that during heavy rains, additional flows are introduced to the wastewater collection system; and

WHEREAS, the District conducted a flow monitoring study in 2014 to collect wastewater flow, rainfall, and water quality data that can be used to validate the scope and size of near-term hydraulic capacity improvement projects; and

WHEREAS, the District operations records show that I&I flows result in peak system flows up to 15 times normal, dry weather flows, and these extreme peak flows increase the risk of sanitary sewer overflows; and

WHEREAS, the District implemented an Infrastructure Asset Management Plan in October 2013 introducing a risk assessment methodology for identifying and recommending specific pipeline improvements; and

WHEREAS, industry studies have determined that up to half or more of the I&I is introduced into the wastewater collection system from private sewer laterals or unpermitted drainage structures leading from the private property to the wastewater collection system; and

WHEREAS, the District has determined that it is in the interest of public health and safety that the private sewer lateral I&I problem be addressed; and

WHEREAS, the District has adopted Ordinance No. 100 relating to the regulation of the maintenance of private sewer laterals, requiring periodic testing and, if necessary, repair or replacement of private sewer laterals; and

WHEREAS, on June 24, 2015, the District Board of Directors adopted Resolution No. 15-1493 establishing the framework and guidelines of the Lateral Replacement Grant Program (LRGP); and

WHEREAS, on May 1, 2018, the District Board of Directors adopted Resolution No. 18-1541 amending the framework and guidelines of the Lateral Replacement Grant Program (LRGP); and

WHEREAS, this Resolution incorporates the framework and guidelines of the Lateral Replacement Grant Program in previously adopted resolutions and, upon adoption, will supersede Resolution No. 15-1493 and Resolution No. 18-1541 as the resolution governing the Lateral Replacement Grant Program; and

WHEREAS, the District finds this Resolution No 21-1608 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 (“CEQA”) per CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, LET IT BE RESOLVED by the Board of Directors of the Ross Valley Sanitary District approves as follows:

SECTION 1. Recitals. All of the above Recitals are true and incorporated by reference herein.

SECTION 2. Lateral Replacement Grant Program Guidelines

1. Property owners must submit an application from the then-current LRGP Guide for review and approval by the District. Only complete applications that meet the requirements listed below will be accepted and reviewed.
2. All applications will be taken on a first-come, first-served basis.
3. Property owners not in a Common Interest Development (as defined in the Private Sewer Lateral Ordinance) may only apply for one grant per parcel regardless of the number of units, buildings, or laterals serving the property.
4. A property owner of an individual unit in a Common Interest Development that is responsible to maintain the Private Sewer Lateral(s) associated with the unit may apply for one grant.
5. The Homeowners’ Association (HOA) of a Common Interest Development may apply for one grant per construction phase in the Corrective Action Plan, if the HOA is responsible for, or elects at its discretion, to replace all Private Sewer Lateral(s), including the portions the property owners are responsible for. Maximum grant funding shall be one grant award per sewer lateral connection, regardless of the number of units that the sewer lateral serves..
6. Parcels that currently qualify for a Certificate of Compliance are not eligible for LRGP funding.
7. Applications will not be accepted unless funding has been authorized and is available.
8. The LRGP may not be used in conjunction with any other financial assistance program(s) that may be offered by the District.
9. Applications will be subject to the established program guidelines, including funding limitations set by the Board of Directors, in place on the date that the application is approved by the District.
10. The Property Owner is responsible for managing the work, including the activities of the contractor, District permitting and inspection, encroachment and other local jurisdiction permits, restoration work, repairs and claims for damages incurred. The Property Owner shall retain all receipts, permits, inspection reports and other documents.

11. The District may issue grant funds once the Property Owner has submitted a current application and verification that the contractor has been paid in full (e.g. copy of the paid-in-full invoice).
12. Lateral grant applications will be accepted for a period not to exceed one hundred eighty (180) days from the date that the lateral passes final inspection and becomes compliant. If program applications are not submitted to the District within the one hundred eighty (180) day period, they will not be eligible for program participation.
13. Only complete lateral replacements will be considered for grant funding. A request for an exception can be made in writing by to the District if a portion of the lateral has previously been replaced, meets current District lateral standards and specifications, and passes a pressure test during final inspection of the entire lateral.

SECTION 3. Permits and Lateral Specifications

1. A Private Sewer Lateral Permit must be obtained from the District. The lateral must pass final inspection by the District prior to submitting a program application.
2. As a condition of the grant program the entire lateral must be replaced from the exit of the foundation of the house to the connection with the public sewer main except as stated in Section 3.1.a.
3. All work must conform to the District's then current lateral Standard Specifications and Drawings.

SECTION 4. Terms of Agreement

1. The work done on lateral sewers shall not grant the District, its agents, or employees and/or contractors the power to exercise dominion or control over the subject property and shall not be construed as creating a public project or substantial participation in the planning, approval, construction or operation of the lateral sewers for any purposes. The work does not constitute a grant of any permanent real property rights to the District. The District's participation in this program shall not constitute an acceptance of any permanent real property rights or obligations without express approval of the District's Board of Directors and conveyance by a separate written instrument executed by the appropriate party(ies).
2. The Property Owner of the lateral sewers shall be solely responsible for all future maintenance, repairs, and replacement of the lateral and related appurtenances including cleanouts, backflow prevention devices, wyes, tees, and the connection to the public main. Any warranty(ies) provided for materials supplied or work performed shall remain with the Property Owner and it shall be the Property Owner's responsibility to maintain and/or make any claims thereunder.

SECTION 5. Severability

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held invalid, unconstitutional or unenforceable, such holding shall not affect the validity of the remaining portions of this Resolution. The Board of Directors hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,

subsections, sentences, clauses or phrases is for any reason held invalid, unconstitutional or unenforceable.

SECTION 6. Effective Date of Resolution

The effective date of this Resolution shall be July 22, 2021.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Ross Valley Sanitary District at a regular meeting held this 21st day of July 2021, by the following vote:

AYES: Boorstein, Gaffney, Kelly, Meigs, Sylla

NOES: None.

ABSENT: None.

ABSTAIN: None.



Mary Sylla
President of the Board

Attest:



Michael Boorstein
Secretary of the Board